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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 JOHN R DEMOS,

11 Petitioner,

12 v.

13 DONALD R HOLBROOK,

14 Respondent.

CASE NO. C18-1150 MJP

ORDER ON REPORT &
RECOMENDATION

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16 The above-entitled Court, having received and reviewed:

17 1. Magistrate Report and Recommendation (Dkt. No. 2),

18 2. Petitioner's Objections to Report and Recommendation (Dkt. No. 3),

19 all attached declarations and exhibits, and relevant portions of the records, rules as follows:

20 IT IS ORDERED that the Report and Recommendation is ADOPTED; the Clerk shall
21 administratively CLOSE this matter and STRIKE any pending motions as moot. *See* Demos v.
22 Stanley, MC97-0031-JLW (W.D. Wash., March 13, 1997).
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1 In his Objections, Petitioner attempts to characterize himself as a “pre-trial detainee,” and
2 claims – presumably on that basis – that 28 U.S.C. § 2241 should apply to his current petition,
3 not 28 U.S.C. § 2254. But a review of his current petition makes it clear that Mr. Demos is (once
4 again) challenging his state court conviction, thus the proper basis for relief is § 2254. Mr.
5 Demos is under a longstanding bar order which provides for the return without filing of any
6 petition seeking a writ pursuant to § 2254, unless accompanied by a filing fee. Mr. Demos’s
7 petition was unaccompanied by a filing fee.

8 In keeping with the standing order concerning Mr. Demos, therefore, the Court will direct
9 the Clerk of the Court to administratively close this matter and strike any pending motions
10 (including the “Petition for Writ of Mandamus;” Dkt. No. 4) as moot. This Court will entertain
11 no second or successive habeas petition from Mr. Demos until its filing is authorized by the
12 Ninth Circuit.

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14 The clerk is ordered to provide copies of this order to Petitioner and Judge Donohue.

15 Dated September 24, 2018.

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17 The Honorable Marsha J. Pechman
18 United States Senior District Court Judge
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